

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 2:08-CR-35-WKW
)	
TREMAYNE J. BIBB)	

ORDER

This case is before the court on Defendant Tremayne J. Bibb's ("Bibb") unopposed motion to continue the trial (Doc. #18). The criminal case currently is set for trial during the August 18, 2008 term. For the reasons set forth below, the court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the 70 day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." *Id.* § 3161(h)(8)(A).

The court finds that the ends of justice served by continuing this trial outweigh the best interest of the public and Mr. Bibb in a speedy trial. In support of his motion to continue

the trial, Mr. Bibb states that he is engaged in plea negotiations and is cooperating with the United States. The United States does not oppose the continuance.

Accordingly, it is ORDERED that the unopposed motion to continue the trial (Doc. # 18) filed by Mr. Bibb is GRANTED and that the trial of this case is continued from August 18, 2008, to the criminal term of court beginning **December 1, 2008**.

DONE this 6th day of August, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE